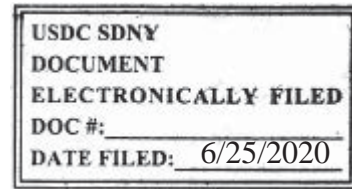


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Laurene Yu,

Plaintiff,

–v–

City of New York, *et al.*,

Defendants.

17-cv-7327 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On June 15, 2020, Defendants filed a motion to dismiss the complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. However, since Plaintiff is proceeding *pro se*, Plaintiff shall be given additional time to amend the complaint. Accordingly, it is hereby ORDERED that if Plaintiff intends to file an amended complaint, Plaintiff shall do so by August 1, 2020. Plaintiff is hereby advised that any amended complaint will completely replace the original complaint. Accordingly, if Plaintiff files an amended complaint, it should include all of the information Plaintiff believes is necessary to make a short, plain statement explaining why she is entitled to relief against each defendant. Plaintiff is on notice that declining to amend her pleadings to timely respond to a fully briefed argument in the Defendants' June 15, 2020 motion to dismiss may well constitute a waiver of the Plaintiff's right to use the amendment process to cure any defects that have been made apparent by the Defendants' briefing. *See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC.*, 797 F.3d 160, 190 (2d Cir. 2015) (leaving "unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility.").

If Plaintiff chooses to amend, Defendants may then (a) file an answer; (b) file a new motion to dismiss; or (c) submit a letter stating that they intend to rely on the initially-filed motion to dismiss.

IT IS FURTHER ORDERED that if no amended complaint is filed, Plaintiff shall serve

her opposition to Defendants' motion to dismiss by August 1, 2020. Defendants' reply, if any, shall be served by August 15, 2020.

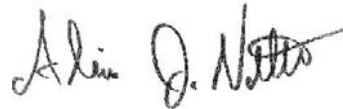
Either party may request an extension of the briefing schedule for the motion. A deadline will be extended if the party demonstrates that its pursuit of the action has been diligent and that there is a good reason for extending the deadline.

Defendants' request to stay all discovery in this matter pending resolution of the motion to dismiss, Dkt. No. 63, is denied as premature, as no Rule 26 conference has been held and no scheduling order has yet been entered. Nonetheless, no discovery shall proceed until the motion to dismiss is resolved.

Chambers will mail a copy of this Order to Plaintiff and that mailing will be noted on the docket.

SO ORDERED.

Dated: June 22, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", is written over a horizontal line.

ALISON J. NATHAN
United States District Judge